

## **REMARKS**

### **I. Status of the Application**

Reconsideration of this application is respectfully requested. Claims 1-67 are currently pending in this application. Claims 1-22 and 35-43 have been withdrawn from consideration. Claims 23-34 are original, with claim 23 amended in accordance with the Examiner's suggestion and claim 33 amended to correct a typographical error. Claims 44-67 are new in this application in accordance with the Examiner's suggestion. Of these claims under consideration, 23, 44, and 56 are independent. No claims have been cancelled but withdrawn claim will be if necessary to secure allowance (in which case divisional applications will be filed). No new matter is added.

### **II. Acknowledgement of Interview**

Applicants thank the Examiner for the in-person interview conducted on October 15, 2003, during which the pending rejection was discussed in connection with several approaches to overcome the rejection by clarifying and distinguishing the invention's various features. Applicants have amended the independent claims under consideration to better clarify the nature of the distinctive nanotube ribbon in accordance with Examiner's suggestion.

### **III. Summary of Rejection**

The Office Action rejects claims 23-29 and 31-34 under 35 U.S.C. §102(e) as being anticipated by WO 01/03208 (Lieber et al.). The Office Action rejects claim 30 under 35 U.S.C. §103(a) as being unpatentable over WO 01/03208 (Lieber et al.) in further view of U.S. Patent 6,443,901 (Fraser et al.).

### **IV. Summary of Art**

Lieber et al. pertains to nanoscopic wire based arrays and devices and methods for making nanoscopic wire based devices. The wires have circular or tubular cross sections.

Fraser et al. pertains to capacitive micromachined ultrasonic transducers. It is cited for disclosure of silicon nitride supports.

## V. Comments

In contrast to Lieber et al. and Fraser, Claim 23 recites a nanotube “ribbon” that has a rectangular cross-sectional area. New claim 44 recites a circuit having a flat nanotube ribbon. Applicants and Examiner agreed that language such as a “flat” ribbon or “rectangular” cross-section distinguish Lieber et al. People skilled in the art will realize that these limitations depend on perspective. The claim terms reflect, for example, the ribbons from a perspective like that of Figure 1. When nanotube ribbons are viewed under an extremely powerful microscope (e.g., AFM, SEM, etc.) the surface and cross section will be more irregular, but they clearly are not tubular or circular like the individual nanotube of Lieber et al. All agreed that people skilled in the art would appreciate this understanding.

New claim 56 recites a plurality of nanotubes in a ribbon. Thus, new claim 56 distinguishes Lieber et al. which discloses suspending an individual nanotube.

Since claims 24-34, 45-55, and 57-67 depend, directly or indirectly, from independent claims 23, 44, and 56, claims 24-34, 45-55, and 57-67 should be allowed for at least the same reasons as provided for claims 23, 44, and 56. Applicants reserve the right to argue several additional distinctions found in dependent claims if it ever becomes necessary.

Applicants intend to pursue, via divisional applications, any withdrawn claims not re-entered for consideration. Applicants also intend to pursue continuation applications.

Appl. No. : 09/915,093  
Amendment Dated : November 18, 2003  
Reply to Office Action of : September 26, 2003

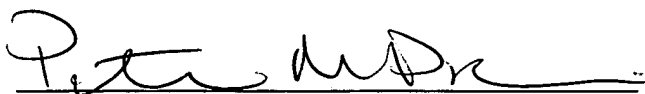
Atty. Docket No. 112020.125 US1

No extensions of time are believed to be required for this paper to be timely filed. The Commissioner is hereby authorized to charge the required fee of \$117 to Deposit Account No. 08-0219 for the additional claims in excess of 20. If the amount is incorrect, please credit any excess or charge any further amount due to Deposit Account No. 08-0219. No additional fees are believed due in this matter. However, if any fees or credits accrue, including for extensions of time, please charge or credit such fees to Deposit Account 08-0219.

Respectfully submitted,

Date: \_\_\_\_\_

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